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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,016	12/19/2001	Alexandre Drobychev	80168-0239	8774

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EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 12/13/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 10/021,016	Applicant(s) DROBYCHEV ET AL.	
	Examiner Ted T. Vo	Art Unit 2191	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 12 September 2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☐ Other (including any explanation in support of the above items):

See Continuation Sheet.

Continuation of 10. Other (including any explanation in support of the above items):
The brief is defected because:

Check box 4. The brief does not contain concise explanations of the claimed subject matters defined in the independent that carried out in the argument section.

For example, identifying claimed subject matters in the claim 1:


"a software portion configured to provide access to, and caching of, data elements, including a data and object repository, independent of the run-time platform for providing commerce software applications;
a software portion configured to inherit hierarchical application logic from the commerce applications platform;
a software portion configured to provide static and dynamic presentation data for presentation by any server capable of server-side presentation logic;
a software portion configured to maintain permanent and session application data persistent across user request boundaries during a single user session; and
a software portion configured to enable access to a business object during the user session."

and providing concise explanation for each claimed subject matter directly as it is in the claim above.

The identifications of claimed subject matters are not clear or omitted, and thus is not pursuant to 37 CFR 41.37(c)(1)(v).

Check box 6: The argument section should contain headings to indicate groups of claims. It will allow Board to select a single claim from the group of claims.

The arguments in the brief are unclear for what the claimed subject matters that Appellants disagreed for not being anticipated by the prior arts.


TED VO
PRIMARY EXAMINER